

The Research Review is a publication of the Research Division of the Tennessee House of Representatives

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741-3025

## Session Edition IX, 2002

March 28, 2002

*Published by the Research Division of the Tennessee House of Representatives*

### THE FINANCE COMMITTEE'S BUDGET HEARINGS CONTINUE:

**TN HOUSING DEVELOPMENT AGENCY • TN REGULATORY AUTHORITY  
DEPT. OF AGRICULTURE • DEPT. OF ENVIRONMENT & CONSERVATION  
TN WILDLIFE RESOURCES AGENCY • DEPT. OF VETERANS AFFAIRS**  
(summaries follow committee reports)

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**House Committee Activity: March 25 - 27, 2002**

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*Members of the House prepare to wind down subcommittee activity as they work into week twelve of the legislative session. Several subcommittees have closed, and others have announced final calendars. Shown during the Commerce Committee meeting are Representatives Sargent and Bowers.*

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## **Agriculture**

*Ryan Swindell*

The **Agriculture Committee** met Tuesday with two bills on the calendar. **HB2502** by Rep. Kernell was recommended to Finance, Ways & Means. As amended, this bill would direct the Commissioner of Agriculture, in consultation with the Tennessee Forestry Commission, to study cost recovery methodologies and submit findings to members of the House Agriculture Committee, the House

Conservation and Environment Committee, the Senate Environment, Conservation and Tourism Committee, and the Senate Commerce, Labor and Agriculture Committee by January 15, 2003. **HB1716** (animals and animal cruelty) by Rep. McMillan was rolled one week.

At the conclusion of the calendar, the committee heard a presentation on video beef cattle sales from Darrell Ailshie, General Manager of Tennessee

Livestock Producers. It was set up in the late 1920's in Nashville as a co-op made up of producers as a marketing co-op operated out of the stockyards. It was later converted to a cooperation, bought by the Farm Bureau and moved to Columbia, TN. The Tennessee Livestock Producers have three stockyards – two in middle Tennessee and one in west Tennessee. They have the largest sheep and goat market in the state. In 2001, they handled over 120,000 head of livestock through their company. Their video sales have been in existence for about 15 years. Last year they handled over 14,000 cattle through video sales. When using video sales, a seller would need to have a load of cattle of like kind with a narrow weight range (48,000-50,000 lbs.) Some of the advantages of using video sales are 1) the cattle are “farm fresh” – they come directly off the farm, and 2) if a buyer doesn't like what they see the cattle have never had to be moved. By using the video sales, the TN Livestock Producers averaged \$44.27 last year per head premium on the 14,000 head of cattle compared to the average Tennessee market.

The **Marketing and Commodities Subcommittee** is closed.

The **Agriculture Resource and Industry Subcommittee** is closed.

## **Children & Family Affairs**

*Shannon Romain*

The **Children and Family Affairs full committee** met at its regularly scheduled time on Tuesday. The committee referred three bills to Calendar and Rules and two to Finance Ways and Means.

**HB2528** and **HB2523** by Rep. McMillan were reviewed and referred to Calendar and Rules. As amended, **HB2528** clarifies that a petitioner for an order of protection shall not be charged any costs associated with service of the order. **HB2523** makes various changes to the alimony and the spousal support sections of the law. As amended, it permits wage assignments solely for payment of alimony, specifies that mediation is not appropriate under the parenting plans laws where one of the parties has received a default judgement, and stipulates that IRA's are to be treated as separate marital property. The bill also codifies case law that holds that alimony in futuro terminates upon the death of the recipient. The change simply brings the statutory law into conformity with case law.

**HB2209** by Rep. Bunch was also referred to Calendar and Rules. As amended, the bill legally defines a “final order” or “judgement” as it relates to the juvenile court, and clarifies that an appeal from a delinquency proceeding must be made to the criminal court and an appeal from a dependent and neglect or an unruly child proceeding must be made to the circuit court.

The **Family Justice** and the **Domestic Relations Subcommittees** were not scheduled to meet this week. Secretary Maddox has reopened the Domestic Relations committee and will schedule any bills that sponsors would like to have put on notice. The subcommittee will meet next Tuesday at its regularly scheduled time.

## **Commerce**

*Chris McGrew*

The **House Commerce Committee** had eleven bills on the calendar this week. The committee passed three House Joint Resolutions that would confirm the appointments of the TRA directors. Rep. Kisber presented **HJR 659** that would continue the joint study committee on electric utility industry deregulation. It was passed out to the Calendar & Rules Committee. Another bill of interest, **HB 2894** (Kisber), that would revise HMO prompt payment requirements as they relate to TennCare, was moved on to Calendar & Rules.

The **Industrial Impact Subcommittee** met Tuesday with 14 bills on the calendar. The committee passed five bills on to full committee. **HB 2892** (McKee) would increase firework permit fees for wholesalers and seasonal retailers. The bill was moved to full committee with an amendment. **HB 2286** (Kisber), which would require the Comptroller's annual actuarial study to address provider reimbursement rate issues, was passed on to full committee. The remainder of the bills were rolled until next week, which will be the final meeting of the year.

The **Utilities & Banking Subcommittee** had two bills on the calendar. Both bills were moved to full committee. **HB 2393** (Rinks) would increase electrical inspection fees. **HB 1545** (L. DeBerry) would require companies providing cellular telephone service to make certain billing disclosures on each statement.

The **Small Business Subcommittee** moved three of the four bills on to full committee. **HB 2605** (West) deals with private protective services and their contract fees.

**HB 0076** (Odom) would establish minimum procurement costs for interment services. **HB 2949** (Rinks) addresses issues regarding the Board of Accountancy, and takes care of some general housekeeping issues.

## **Conservation & Environment**

*Greg E. Adkins*

The full **Environment Committee** did not meet the week of March 25th.

The **Environment Subcommittee** met on Tuesday, March 26, 2002 and passed one bill, and rolled three bills. **HB 1311** by Rep. Ariola passed to full committee. The bill enacts the "Tennessee Industrial Chipmill Facility Impact Review and Taxpayer Protection Act of 2001." It requires any entity that produces wood chips or uses wood chips to produce fiber-based products (chipmills), and that applies for incentive money from the Department of Economic and Community Development, prepare a forest resource report at its own expense. The following three bills were rolled - HB 2996 by Rep. McDonald, HB 2960 by Rep. Fitzhugh, and SJR 576 by Sen. Ramsey.

The **Parks & Tourism Subcommittee** met on Tuesday, March 26, 2002 and passed one bill. **HJR 623** by Rep. Cooper passed to full committee. It creates a special joint legislative committee to study the feasibility of a residential or summer camp for economically disadvantaged children at T.O. Fuller State Park.

The **Conservation & Wildlife Subcommittee** met on Wednesday, March 27, 2002 and passed one bill. **HB 1595** by Rep. Bittle passed to full committee as amended. The amended bill would exempt the legislature from the process of fee increases for TWRA. Currently, only the legislature can increase hunting and fishing fees. The amended bill would allow fees to be increased by rule and regulation within the agency. There would not be any direct legislative oversight of TWRA except through the Government Operations Committee. HB 1593 by Rep. Bittle was taken off notice. HB 3128 by Rep. McCord was rolled to 2003.

## **Consumer & Employee Affairs**

*Shannon Romain*

The **Consumer and Employee Affairs full committee** and the **Consumer Affairs subcommittee** met this week.

In the full committee, **HB2593** by Rep. West and **HB2808** by Rep. Cole were reviewed and referred to Calendar and Rules. **HB2593** creates within the annual report of employers without workers compensation coverage designations that indicate the amount of time the employer was without coverage. It further adds a designation to indicate if an employer obtained insurance coverage subsequent to the lapse.

**HB2808** defines a compensable mental injury as a loss of mental faculties or a mental or behavioral disorder resulting from either a compensable physical injury resulting in a permanent disability or a work-related event resulting in a sudden or unusual mental stimulus. A mental injury shall not include psychological or psychiatric response due solely to the loss of one's job or other employment opportunities. The bill was originally requested by the business community to address the courts' division on the definition of a compensable mental injury. The amendment makes the bill.

In the **Consumer Affairs Subcommittee**, **HB1892** was reviewed and referred to the full committee. The bill prohibits persons who live in apartments from being charged separately for water consumption unless each apartment has a submeter. The bill also makes it unlawful to impose a fee for the processing or handling of the billing for the submetering services provided to residential customers.

Next Tuesday will be the last meeting of the Consumer Affairs Subcommittee.

The **Employee Affairs Subcommittee** did not meet as scheduled this week as all bills on the calendar were taken off notice. The subcommittee is now closed subject to the call of the chair.

## **Ad Hoc Committee on Charter Schools**

**March 20, 2002 Meeting**

*Jessica Peccola*

The joint **Ad Hoc Committee on Charter Schools** met for a final time last Wednesday to review the new charter school legislation drafted by the Department of Education. In a prior meeting, Commissioner Faye Taylor and her staff volunteered to serve as mediator for parties interested in charter school legislation. The goal was to put together

charter school legislation that would be agreeable to both sides of the charter school debate. At last Wednesday's meeting, Commissioner Taylor presented the amendment that resulted from their mediations.

The new charter legislation puts more focus on the need for charter schools to address concerns related to low-performing schools. It also emphasizes the importance of partnerships with public higher education to make charter schools "laboratories" to encourage innovative teaching. The new amendment grants five-year charters through local boards of education. It also creates a state authorization board to control the number of charters granted within the limits of the legislation. Charters will be exempt from statutes, rules, and regulations except for those specifically laid out in charter guidelines to be developed by the Department of Education.

New charter applications must be submitted by non-profit organizations by November 15 of each year. Charters may not, under any circumstances, be granted to "for-profit" groups. Conversion schools may convert only if 60% of the parents agree and the conversion must take place at the beginning of the school year. Private, parochial, home-schools, or cyber-schools will not be granted permission to convert to a charter school. There is a cap of 10 charters that can be granted statewide each year.

Other issues addressed in the bill include teacher leave of absence to teach in a charter school, collective bargaining, and teacher insurance/retirement benefits. Enrollment in charter schools will be open to any child in the state. If a charter school has more student applications than space, a lottery system will be used. Preference may be given to siblings of a pupil already attending the charter school and to children of teachers/sponsors, but there will not be more than 25 students on the preference list per school. Charter schools have the authority to decide whether or not to provide transportation for students. A charter may be revoked or denied renewal at any time if the school violates any conditions under charter legislation or fails to meet reasonable yearly progress. If that occurs, students may enroll in their resident district public school or may submit an application to another school.

After Commissioner Taylor's overview of the bill, committee members asked questions and expressed whatever concerns they still had. Once all questions and concerns had been addressed, the committee voted to move the bill and new amendment back to both the House and Senate Education Committees for further consideration.

**There are currently no plans for the Ad Hoc Committee to meet again.**

## **Education**

*Jessica Peccolo*

### **Full Committee**

Two bills passed from the **Education Committee** this week. **HB 2639** (Head) allows individuals living in a county contiguous to Tennessee to enroll in a Tennessee public college or university regardless of where the closest public school of his or her resident state is located. Presently, residents of Kentucky counties that are contiguous to Tennessee may attend Austin Peay University at the in-state rate as long as there is not a public university in Kentucky within 30 miles of their residence. This bill eliminates the 30-mile stipulation so that those students may continue to attend Austin Peay at an in-state rate. It was passed to Calendar and Rules.

**HB 2984** (Ford, S) redefines the rules and regulations to be followed by construction managers hired to oversee a construction project for a public school. Under current law, companies or individuals hired to be project managers for school related construction projects are not prohibited from making bids on those same projects. In some instances this results in construction managers also providing all the work for the project. This bill would make it illegal for construction managers to make a bid for any phase of the project that they are overseeing. An amendment to the bill would make it permissible for a construction manager to make and win a bid after two solicitations for bids did not result in bringing in any outside bids for the project. Then and only then could a construction manager also provide the work on the project. The amendment was adopted in the K-12 Subcommittee. The bill was passed as amended to the Calendar and Rules Committee.

Representative Mike Turner returned to the committee with **HB 2086**. The bill addresses the instruction of CPR in junior and senior high. Presently, CPR is included in the lifetime wellness curriculum. Representative Turner's legislation would mandate that a student be given hands-on training in CPR as a requirement for graduation. An amendment to the bill clarifies that students do not have to be certified in CPR as that would be a considerable expense. The amendment also changes the effective date of the legislation to the 2004-05 school year. While all committee members speaking on the bill voiced their support for the principle of teaching CPR to students, many had problems with issuing a mandate to the State Board of Education. The bill failed on a tied vote of 11 to 11.

Testimony was heard on **HB 1706** (Davis, R) in committee this week. An amendment rewrites the bill so that it addresses a new mandate from the State Board of Education that algebra I be a prerequisite to many vocational courses. The original amendment postponed the effective date of the mandate until the next school year. In committee Representative Davis offered up amendment I to amendment I saying that no prerequisite to vocational education would apply if it was passed after July 2001. Representative Davis expressed concern that many students in the vocational track are not ready to take algebra until their senior year and that the new mandate just sets those students up for failure.

Wilmur Duncan, the Vocational Director of Sullivan North High school, and Jim Duncan, the director of Wilson County Schools both spoke out in favor of the amended bill. Both parties believed it was in the best interest of vocational students to let local educators decide when they would be ready to take algebra I. The Deputy Commissioner of Education explained the reasoning behind the new policy. With the new Gateway exams in place, students must pass the algebra I test in order to graduate. If students wait until their senior year to take algebra, they would have only one chance to pass the test. If they do not pass, then those students will not graduate with their class. By making sure that students take the exam at least by their junior year, educators give them a chance to have remediation if they do not pass the exam in their first attempt. After hearing testimony from both sides of the issue, the sponsor rolled his bill one week.

Due to a lack of time, **HB 2650** (Turner, B) was rolled for one week. Other bills rolled to next week include: **HB 2721 and HB 2901**. Representative Chumney took **HB 1737** off notice. **HB 0440** (Boyer) was referred back to the K-12 Subcommittee.

### **K-12 Subcommittee**

The K-12 Subcommittee passed two pieces of legislation on to full committee during this week's meeting. **HJR 0644** (DeBerry, L) is a resolution directing the Education Oversight Committee to study the benefits that might result from training classroom teachers on how to better meet the needs of dyslexic students. **HB 3136** (Whitson) also passed to full committee this week. Last year, the House of Representatives and the Senate passed a reading initiative that was not put into effect because it was not funded. **HB 3136** is a similar initiative as the one not funded last year and includes reading programs, preschool education, national certification for teachers, schools on probation, remedial education, and teacher mentoring

among other programs. One major difference is that the new federal "No Child Left Behind" program will provide Tennessee with additional funds to support the reading initiative. The new legislation does clarify that if the initiative fails to receive funds again this year, the Commissioner of Education will decide which provisions of the act will be implemented. The committee adopted an amendment to clear up some grammatical errors in the original bill before passing the bill to full committee.

**HB 3159** (Montgomery) is directly related to the reading initiative in **HB 3136**. This bill details the new accountability standards that are included in the federal ESEA. Questions were brought up in committee about whether there was a need for two bills since **HB 3136** included sections on accountability. Representative Montgomery also brought two amendments to committee. The first amendment was to take care of some housekeeping in the wording and grammar of the bill. The second amendment clarified that if charter legislation was not passed during this session, the sections of the bill dealing with charter schools would be void. Both amendments were adopted, but there was not time to finish the discussion on the bill and it was rolled until next week. Representative Boyer's **HB 0440** was also discussed during this weeks meeting. It deals with allowing school systems to elect directors of schools rather than having them appointed. The sponsor urged committee members to give this bill careful consideration and to consult with their school board members back home. **HB 0440** was rolled one week because of the lack of time to finish discussion on the bill.

Other bills rolled this week are: **HB 2295, HB 2670, HB 2485, HB 2319, HB 0681, HB 3085, HB 3083, HB 2381, HB 2295, HB 2458, HB 2264, HB 2616, and HB 2617**. Both **HB 2411** (Sharp) and **HB 2515** (Briley) were taken off notice.

### **Higher Education Subcommittee**

Two bills heard in Higher Education Subcommittee. **HB 2774** (McMillan) directs colleges and universities to inform students (and their guardians if under 18) who are enrolling for classes and living in on-campus housing about the dangers of meningitis. The students may then either sign a waiver or opt to take the vaccine. **HB 2682** (Towns) authorizes the state to fund a consortium of historically black colleges and universities. Both bills failed because they did not receive a majority vote. Representative Patton took **HB 2814** off notice.

## **Finance, Ways & Means**

*Cathy Higgins*

### **House Finance, Ways and Means Committee Tuesday, March 26, 2002**

The full committee had 12 bills on calendar this week. Several were rolled to future calendars. The following bills were referred to Calendar and Rules:

- **HB 2187** (McDaniel, Kisber) as amended, appropriates funding for Homeland Security as well as funding to open state parks. The intent of the legislation is to recognize the national scope of homeland security requirements and that federal funds be utilized for homeland security purposes to the fullest extent possible. House Finance, Ways and Means Amendment 2 recognizes existing language in the Tennessee Code allowing revenue from the State Lands Acquisition Fund to be used for operation of state parks, and appropriates a sum sufficient to open any parks closed as of March 1, 2002.
- **HB 3015** (Tindell) as amended permits Knox County, with a two-thirds vote of the local legislative body, to increase the penalty imposed for the expense of prosecuting delinquent property taxpayers.
- **HB 2619** (Briley) from Judiciary provides that a judge of the circuit or criminal court as well as the general sessions court can order anyone sentenced for a misdemeanor to the county jail or workhouse be placed on work-release.
- **HB 2530** (McMillan) as amended imposes a fine of up to \$200 against individuals who are convicted of an assault relative to domestic violence. The fine will be based upon ability to pay. The additional revenue will be credited to the general fund and appropriated by the General Assembly for the exclusive purpose of funding family violence shelters and shelter services.
- **HB 2542** (Patton) increases the additional fee payable from \$5.00 to \$10.00 for a DUI conviction which is payable to the impaired drivers trust fund.
- **HJR 693** (Sands) proposes an amendment to the Tennessee Constitution to require the General Assembly to prescribe the maximum fine that, absent waiver, may be assessed without a jury. The 101st General Assembly considered and adopted SJR 629 which proposed to amend Article VI, Section 14 of the Constitution of Tennessee relative to the General Assembly's power to prescribe the maximum fine that

may be assessed without a jury. HJR 692 must pass with a two-thirds vote in each house. If adopted by both houses, the resolution would require a vote at the 2002 regular November election.

### **Budget Subcommittee Wednesday, March 27, 2002**

Budget Subcommittee had 30 bills on calendar this week. Several were rolled to future calendars. The following bills were passed on to full committee.

- **HB 3015** (Kisber) as amended requires the Commission on Aging to initiate an outreach program, within available resources, to provide Medicare-eligible Tennesseans information and education relative to obtaining prescription drugs at a discounted price, and obtaining prescription drugs through programs based on income. The Commission is to file an annual report to the House Health and Human Resource Committee and the Senate Commerce, Labor and Agriculture Committee regarding the outreach program.
- **HB 2277** (Kisber) permits the Tennessee Regulatory Authority to regulate the transmission of unsolicited faxes. Information contained in the fax must have a toll-free number whereby the recipient may notify the sender to not send any further unsolicited fax advertisement. Creates a fine of \$2,000 for violations. Revenues generated by the fines will be deposited in the public utilities account.
- **HB 2907** (Scroggs) from Children and Family Affairs Committee relative to monthly notices to custodial parents who receive child support payments, was amended by Budget Sub and earmarks the cost of the bill from existing resources of the Department.
- **HB 2918** (Brooks) from Judiciary gives the trial judge sole discretion in making a determination to sequester jurors in any criminal prosecution, except for those cases that involve the rendering of a death sentence.
- **HB 2506** (Brown) amends the code to permit a city that constructed qualifying projects under the Convention Center and Tourism Development Financing Act of 1998, to levy a hotel occupancy tax even if the county levies the same tax.
- **HB 2920** (DeBerry, L) prohibits industrial development corporations in Shelby County, except a joint county/municipal corporation, from negotiating

payments in lieu of tax agreements that are less than ad valorem taxes without prior approval from the county.

- **HB 1818** (Givens), amended in the Agriculture Committee, raises the fees allocated to the Agricultural Regulatory Fund.
- **HB 2882** (McMillan), amended in Agriculture and referred to as the "puppy mill bill," increases license fees for cat and dog dealers. The bill also allocates a portion of the revenue from the Animal Friendly License plate for two-years to implement the dog and cat dealer inspection program.
- **HB 2128** (McMillan) from Judiciary requires that the \$12.50 court cost collected for the purpose of defraying the cost of legal representation of indigent criminal defendants in multi-county judicial districts be remitted to the Public Defenders Conference for use as supplemental funding for the public defender in these districts.
- **HB 2227** (Overby) amends the code relative to property taxes and tax relief for disabled veterans. Currently, the Code states that a veteran is disabled if the veteran acquired 100% disability resulting from being a prisoner of war for at least 5 months or more. This bill changes the period from 5 months to 30 days.
- **HB 2592** (West) amends the code to require that certified trainers, qualifying agents, and qualifying managers of private protective services complete annually 6 hours of continuing education approved by the Commissioner of Commerce and Insurance.
- **HB 2271** (Bowers) was referred from the House Floor. This bill enacts the Tennessee Emergency Health Powers Act.

## **Government Operations**

*Ryan Swindell*

This week in the **Government Operations Committee** there were 19 bills to consider, with 14 being reported out. **HB 2237** (forest and forest products) by Rep. Odom was taken off notice. **HB 2819** (insurance companies) by Rep. Lewis and **HB 2839** (health care facilities) by Rep. Arriola were rolled for one week. **HB 2737** (sunset laws, acupuncture) and **HB 0760** (natural disasters) by Chairman Kernell were rolled for one week also. The remainder of the bills were reported out and are listed below along with the action taken by the committee:

**HB 2450** by Shepard – Enacts the "Controlled Substance Monitoring Act of 2002" – *Reviewed and Referred to **Health & Human Resources*** with two amendments. The first amendment rewrites the bill and requires the Commissioner of Commerce and Insurance, instead of the Controlled Substance Database Advisory Committee, to promulgate rules regarding the creation of the database. It removes the requirement that the committee advises the Department on the creation of the database. It also adds a two-year sunrise provision to the advisory committee. Under amendment two, information could not be produced unless a circuit or criminal court order has been issued for a criminal investigation or prosecution.

**HB 3148** by McCord – Enacts the "Tennessee Water Resources Information Act" – *Reviewed and Referred to **Conservation & Environment***.

**HB 2774** by McMillan – Requires incoming students at public and private institutions of higher learning and who live in on-campus housing to be vaccinated against meningococcal disease or sign a waiver – *Reviewed and Referred to **Education***.

**HB 2549** by Davis (Wash) – Requires public school students to recite the pledge of allegiance daily, unless a student or parent objects to the student's participation on religious, philosophical, or other grounds; also establishes requirements for participation and non-participation in such exercise – *Reviewed and Referred to **Education***.

**HB 2601** by West – Enacts the "Handgun Carry Permit Records Disclosure Act" – *Reviewed and Referred to **Judiciary***.

**HB 2738** by Kernell – Extends the Board of Probation and parole for four years – Recommended to **Calendar & Rules**.

**HB 1069** by Kernell – Extends the Safe Employment Education and Training Advisory Committee for two years – Recommended to **Calendar & Rules**.

**HB 2728** by Kernell – Extends the Center for Earthquake Research and Information for two years – Recommended to **Calendar & Rules**.

**HB 2760** by Kernell – Extends the Commission on Responsible Fatherhood for one year – Recommended to **Calendar & Rules** with one

amendment. The amendment extends the Commission for two years instead of one.

**HB 2733** by Kernell – Extends the Board of Social Worker Certification and Licensure for six years – Recommended to **Calendar & Rules**.

**HB 2740** by Kernell – Extends the Tennessee Peace Officers Standards and Training Commission for six years – Recommended to **Calendar & Rules**.

**HB 2711** by Kernell – Extends the State Agencies Publication Committee for six years – Recommended to **Calendar & Rules**.

**HB 2731** by Kernell – Extends the Department of General Services for four years – Recommended to **Calendar & Rules**.

**HB 2720** by Kernell – Extends the Home Improvement Commission for six years – Recommended to **Calendar & Rules**.

Immediately following the full committee meeting the Professional Regulations Ad Hoc Subcommittee met to review **HB 2606** by Rep. West. This bill changes the administration of private protective services from the Commissioner of Commerce and Insurance to the Private Protective Services Commission. Rep. West stated that he had an amendment to bring before the full committee that would fill three vacancies on the Private Investigator and Polygraph Commission with private security guards. Regulation would be by the Private Investigator & Polygraph Private Protective Services Commission. The bill was recommended to the full committee with the explanation of the amendment.

## **Health & Human Resources**

*Judy Narramore*

The **Health & Human Resources Committee** met at noon on Tuesday with 13 pieces of legislation to consider. **SJR 0490**, which designates "Nurses Week," was referred to C&R. **HB 2105** by Rep. Black as amended, which would allow trained volunteer school personnel to administer glucagon to students in emergency situations, was referred to FW&M. **HB 2280** by Rep. Kisber as amended, which would create a uniform process of

payment for mobile dental services provided to nursing home residents, was referred to FW&M. **HB 2339** by Rep. Bowers as amended, which would allow licensed natural hair stylists to work without supervision of a licensed cosmetologist in an establishment licensed by the Board of Cosmetology, was referred to FW&M. **HB 2376** by Rep. Hood concerning county transportation of mentally or emotionally disturbed persons to treatment facilities failed on a voice vote. **HB 2433** by Rep. Whitson, which would increase certain traffic offense fines earmarked and paid into the traumatic brain injury fund, was referred to FW&M. **HB 2479** by Rep. Patton as amended, which would allow the Department of Health to suspend or revoke licenses of health care professionals who fail to repay student loans or meet loan-related service requirements, was referred to C&R. As amended, the licensee would be notified of the failure to comply and given a 45-day period in which to comply with the terms of repayment. **HB 2624** by Rep. Arriola, which would establish a pilot project between the Department of Health and the Tennessee Edenizing Foundation to provide home and community based services to lower income, elderly citizens in order to avoid nursing home care, was referred to C&R. **HB 2841** by Rep. Odom as amended, which would clarify that existing provisions related to the practice of reflexology are not applicable to licensed massage therapists that utilize reflexology techniques, was referred to C&R. **HB 2981** by Rep. Odom, which would allow chiropractors to order laboratory tests, was referred to C&R. **HB 3187** by Rep. Ferguson as amended, which would authorize certain licensed dentists to practice anesthesiology, was referred to C&R. The remaining two bills on the calendar, **HB 2412** by Rep. Arriola (nursing homes) and **HB 2835** by Rep. Armstrong (podiatrists), were rolled.

Four bills were on notice for the **final calendar** of the **Human Services and Mental Health Subcommittee** Tuesday afternoon. Subject to the call of the chair, the subcommittee would reopen to hear daycare bills.

**HB 2584** by Rep. Chumney concerning daycare will be heard in the ad hoc daycare committee meeting on April 1, 2002, prior to action by the subcommittee. The remaining bills on calendar were amended and referred to full committee. **HB 2258** by Rep. Bowers as amended would extend the existing pilot relative caregiver programs for two years. **HB 3043** by Rep. Shepard as amended would revise requirements concerning utilization review programs for mental health and chemical dependency care. **HB 3134** by Rep. Stanley as amended would make various changes to mental health and developmental disabilities provisions of current law.



The **Health Access Subcommittee** met Wednesday morning to consider eight pieces of legislation. Chairman Arriola announced that the subcommittee would have one more meeting; time and date subject to the call of the chair.

**HB 2507** by Rep. Briley, which would add two members to the traumatic brain injury advisory council, was referred to full committee. **HB 1266** by Rep. Wood, which would allow an increase of up to 50 beds in intermediate care facilities that provide services to persons with developmental disabilities or mental retardation, was discussed at length and ultimately rolled to the last calendar for consideration of an amendment offered today by the sponsor of the bill. **HB 2318** by Rep. Cooper concerning daycare training requirements will be heard in the ad hoc daycare committee meeting on April 1<sup>st</sup> prior to action by the subcommittee. Two bills were taken off notice: **HB 2566** by Rep. Dunn (ambulatory surgical treatment centers) and **HB 1712** by Rep. Buttry (orthopedic physician assistants). The remaining legislation on the calendar was rolled to the last calendar: **HB 3177** by Rep. Towns (barbers), **HB 3122** by Rep. Armstrong (assistive community care services), **SJR 110** by Fowler (abortion).

The **Health Subcommittee** had 10 pieces of legislation on its calendar Wednesday morning. Chairlady Pruitt announced that the final meeting of the subcommittee would be April 3, 2002.

**HB 3203** by Rep. McMillan as amended, which would make changes to the practice of dentistry provisions, was referred to full committee. **HR 0222** by Rep. Kisber concerning the World Health Organization was referred to full committee. The remaining bills on calendar were either rolled or taken off notice, as follows: **HB 628** by Rep. Arriola concerning nursing home reform (rolled to 2003), **HB 2263** by Rep. Towns concerning TEMA procedures (off notice), **HB 2273** by Rep. Cooper concerning surgical technologists (off notice), **HB 2429** by Rep. Odom concerning advance practice nurses (rolled to last calendar to offer a new amendment), **HB 2501** by Rep. Kernell concerning acupuncture (rolled to last calendar), **HB 2829** by Rep. Bunch concerning public referendum (off notice), **HB 2923** by Rep. Montgomery concerning hair wrapping (rolled to last calendar to offer an amendment), and **HB 2980** by Rep. Odom concerning chiropractors (off notice).

## **Judiciary**

*Paige Edwards*

### **Civil Procedure & Practice Subcommittee**

On Tuesday, the Civil Procedure & Practice Subcommittee met to consider **26 bills**. **HB 1904** by Representative Newton was sent to summer study. **HB 3112** by Representative Fowlkes was taken off notice. The following 16 bills were rolled for one week: **HB 2184** by Representative Kernell, **HB 1001** by Representative Bowers, **HB 2154** by Representative Buck, **HB 2332** by Representative Buck, **HB 1020** by Representative Odom, **HB 2570** by Representative Buck, **HB 3027** by Representative Kisber, **HB 2198** by Representative Bunch, **HB 3160** by Representative Bunch, **HB 2923** by Representative J. DeBerry, **HB 2959** by Representative Rinks, **HB 2185** by Representative Overbey, **HB 2651** by Representative Turner (Hamilton), **HB 2231** by Representative L. DeBerry, **HB 2845** by Representative Chumney, and **HB 2922** by Representative Stanley.

The following eight bills were **sent to the full committee**:

- **HB 1636** by Representative Sargent, as amended, relates to condemnation proceedings. This bill states that the condemner's right to take possession shall be valid against all transferees or assignees of a named defendant's interest in the property or property rights if the transfer or assignment was not properly recorded prior to the filing of the petition. Also, this bill specifies the procedure for assigning or transferring property rights.
- **HB 3119** by Representative Buck clarifies that any court of record with probate jurisdiction would have concurrent jurisdiction with the circuit court to hear cases regarding the validity of wills. Also, this bill clarifies the procedure for contesting a will.
- **HB 2924** by J. DeBerry, as amended, relieves the court clerks of liability for uncollected privilege taxes when the general sessions judge suspends the court costs and privilege taxes for a case.
- **HB 2334** by Representative Wood, as amended, creates the "Educational Records as Evidence Act" to establish the process for the production of subpoenaed student educational records.
- **HB 2778** by Representative Odom requires the circuit court to grant certiorari to hear appeals from certain decisions made by a board or commission. Specifically, the circuit court would hear appeals from decisions to revoke, suspend, or deny a license or permit that is required prior to engaging in conduct

that is protected by the First Amendment to the United States Constitution.

- **HB 2510** by Representative Briley, as amended, requires each housing authority to maintain a current list of urban renewal plans that would not be taken by eminent domain. Also, this bill clarifies that a housing authority would not be prohibited from taking private property by eminent domain in situations that involve a redevelopment area, redevelopment project, or redevelopment plan.
- **HB 3144** by Representative Fowlkes clarifies that appeals concerning probate matters would be heard in circuit court or the court of appeals, depending on the court that makes the initial decision, ruling, or order.
- **HB 3109** by Representative Boyer allows home rule municipalities to recover actual administrative expenses incurred as a result of false threats or hoaxes involving biological weapons, destructive devices, or weapons of mass destruction. The provisions of this bill apply to home rule municipalities that have adopted ordinances to prohibit this activity. Under present law, home rule municipalities are empowered to impose penalties up to \$500 to recover administrative expenses incident to correction of municipal violations.

**NOTE:** Next week will be the final meeting for the **Civil Procedure & Practice Subcommittee**.

### **Criminal Procedure & Practice Subcommittee**

On Wednesday, the Criminal Procedure & Practice Subcommittee held its **final regular meeting to consider 18 bills**. HB 2340 by Representative Bowers failed. HB 2786 by Representative Armstrong, HB 3098 by Representative McCord, HB 2788 by Representative Buttry, HB 2516 by Representative Briley, and HB 2659 by Representative Winningham were taken off notice. Representative West sent the following six bills to the summer study committee calendar: HB 2608, HB 2595, HB 2598, HB 2599, HB 2600, and HB 2610.

The following six bills were **sent to the full committee**:

- **HB 2675** by Representative Miller creates felony offenses for cloning or conspiring to clone a human being.
- **HB 3125** by Representative Armstrong redefines gambling to exclude pinball machines manufactured before 1980 and displays a \$350 Class 1 tax receipt as described in TCA, Section 67-4-507.
- **HB 2797** by Representative Briley eliminates the criminal offense of facilitation of a felony, effective July 1, 2002.

- **HB 2933** by Representative Briley, as amended, authorizes the post-conviction defender to represent a death sentence inmate. The post-conviction defender would not be compensated for providing representation.
- **HB 2622** by Representative Odom creates a Class C misdemeanor offense for any person to knowingly remove, take, destroy, or damage any portion of a stone or rock wall.
- **HB 2394** by Representative Kent, as amended, excludes misdemeanor traffic violators and misdemeanor violators of the proof of financial responsibility law from being given a citation to appear in court in lieu of continued custody and the taking of the arrested person before a magistrate. These violators would be given a traffic citation in lieu of arrest, continued custody, and the taking of the arrested person before a magistrate.

### **Full Judiciary Committee**



*Rep. Chris Newton talks with Attorney Tom Tighe of the legal staff before a recent Judiciary committee meeting.*

On Wednesday, the Judiciary Committee met to consider **31 bills**. HB 361 by Representative Buck was taken off notice. HB 589 by Representative Chumney and HB 2392 by Representative Bunch were rolled to the next to the last calendar. HB 2652 by Representative Turner (Hamilton) and HB 1638 by Representative Bowers were rolled for two weeks. The following 18 bills were rolled for one week: HB 1876 by Representative Towns, HB 1884 by Representative Towns, HB 402 by Representative Chumney, HB 2929 by Representative Lewis, HB 2941 by Representative Briley, HB 3189 by Representative Hargrove, HB 2389 by Representative Bunch, HB 2669 by Representative U. Jones (Shelby), HB 3184 by Representative Maddox, HB 3132 by Representative White, HB 2888 by Representative Scroggs, HB 2989 by Representative Scroggs, HB 560 by Representative Boyer, HB 2331 by Representative Newton, HB 2513 by

Representative Briley, HB 3020 by Representative Buck, HB 2576 by Representative Buck, and HB 1201 by Representative Buck.

**HB 2250** by Representative McDaniel, as amended, was sent to **Finance, Ways, & Means**. HB 2250 amends the Tennessee Petroleum Underground Storage Tank Act concerning those individuals who maintain financial responsibility for the operation of petroleum underground storage tanks. Also, this bill allows property owners who are named in third party damage lawsuits to receive compensation from the Tennessee Petroleum Underground Storage Tank Fund.

The following seven bills were sent to **Calendar & Rules**:

- **HB 3199** by Representative Towns authorizes the county court clerk's designee to attend meetings that are held by the county public records commission.
- **HB 1210** by Representative Clem, as amended, requires the private records of any utility to be confidential, except when the consumer expressly authorizes the release of the information. The provisions of this bill would not limit access to records by law enforcement agencies, courts, or other governmental agencies performing official duties.
- **HB 2321** by Representative Bone adds nursery stock to the definition of "farm" and "farm operation" under the Tennessee Right to Farm Act.
- **HB 2613** by Representative West requires any peace officer from another jurisdiction providing security or other duties in Davidson County to notify the Davidson County chief law enforcement officer of this work assignment. Such peace officer would be required to wear markings, insignia, or letterings to designate the peace officer's primary county of jurisdiction.
- **HB 710** by Representative Sands, as amended, establishes methods for collecting court costs and fees associated with inmate litigation.
- **HB 3111** by Representative Fowlkes enacts the "Tennessee Uniform Prudent Investor Act of 2002." The intent of this legislation is to update the common law. This model act has been adopted in 36 states.
- **HB 2580** by Representative Fowlkes makes several changes to the law relating to wills, probate, and estates. Specifically, this bill would clarify and change the present law relative to trusts, estate administration, and powers of appointment.

## **State & Local Government**

*Lawrence Hall, Jr.*

This week in the **State and Local Government** full committee, **HB 3107** by Rep. Armstrong passed to Calendar and Rules. This bill will make it a criminal penalty punishable by a \$10,000 fine for removing structures that are designated historical by the historic zoning commission. **HB 3049** by Rep. Bowers provides that low income housing properties have a separate taxation classification as determined by the county tax assessor. This bill passed to Finance, Ways, and Means. **HB 3050**, by Rep. Bowers also passed to Finance, Ways, and Means. This bill will exempt from paying the state franchise and excise tax those entities that provide affordable housing through federal low-income housing programs. **HB 2672** by Rep. U. Jones of Shelby County, provides that the education portion of an in lieu of tax payment cannot be frozen and must be allocated appropriately. This bill passed to Finance, Ways, and Means.

**State Government Subcommittee** passed two bills to full committee, **HB 1816**, by Rep. Kernell and **HB 3026**, by Rep. L. Miller. **HB 1816** creates the "Family Visitation and Crime Reduction Act." This act requires the Department of Correction to make the necessary changes to make inmate visitation more suitable to accommodate families, especially children. The department is also charged with developing specific rules regarding the revocation of visitation. **HB 3026** enacts the "Tennessee Lottery For the Support of Education Act of 2002." This bill will create the Tennessee Lottery Corporation. This corporation will adopt policies and procedures regulating the conduct of lottery. All other bills were placed on a later calendar.

**Local Government Subcommittee** passed **HB 2954**, by Rep. Rinks, to full committee. This bill allows municipalities that operate electric plants to also provide cable services to their service area. **HB 2203** by Rep. Bunch was passed to full committee. This bill prohibits any candidate for sheriff after July 1, 2002 from owning a pawnshop and requires that any family member's interest in such pawnshop be disclosed to the county clerk.

**Elections Subcommittee** considered three bills and passed all three to full committee. **HB 2677**, by Rep. L. Miller, increases election worker's minimum compensation for election day work from \$15.00 to \$25.00. **HB 2678** by Rep. Miller will require the state election coordinator to make rules to govern standards for nonpartisan voter education. **HB 2831**, by Rep. S. Jones of Davidson County, enacts the "Tennessee Provisional Voting Rights

Act of 2002." This allows any person to vote by paper ballot, if the individual's name does not appear on the official list of eligible voters for that polling place, after affirming in writing before an election official that he or she is eligible.

## **Transportation**

*Greg E. Adkins*

The full **Transportation Committee** met on Wednesday, March 27, 2002 and considered eleven bills. **HB 532** by Rep. Ridgeway passed to C&R as amended. The amended bill enacts the "Passenger Contract Carrier Safety Act of 2001" which mandates safety measures for passenger contract carriers -- safety measures including physical health tests, drug testing, and limited hours an employee can drive. **HB 2539** by Rep. Ridgeway passed to C&R as amended. The amended bill regulates "electric personal assistive mobility devices" commonly known as human transporters. These are self-balancing; two non-tandem wheeled devices that transport one person. All of the rules of the road would apply and local governments can impose regulations within those local jurisdictions, but the regulations cannot exceed bicycle regulations. **HJR 683** by Rep. Bone passed to FW&M. The bill creates the "Sgt. John Thomas Burton and Sp4 James Edward Bush" bridge sign. **HJR 723** by Rep. Pinion passed to FW&M. The bill creates the "Lester Hailey Parkway" highway sign. **HB 2693** by Rep. Head passed to FW&M as amended. The amendment rewrites the bill to change the mobile home transportation permits from six-day permits to annual permits. The bill will allow mobile home transporters to deliver homes by designating certain routes; any violation of the provisions of the bill will result in a fine. The fine progressively worsens with each violation and a loss of the transporter's driver's license if the permit is not followed. **HB 2816** by Rep. Whitson passed to C&R as amended. The amended bill will require race track operators that have motor vehicles carrying more than fifteen passengers for hire, traveling less than two miles, to have \$1 million in liability insurance. **HB 2915** by Rep. Stanley passed to C&R as amended. The amended bill would allow TDOT to determine if there is a hazardous encroachment and TDOT would be allowed to move it. The amendment also states that the owner of the encroachment would be liable for the damages that the encroachment creates. **HB 2834** by Rep. Jones, authorizing the issuance of "Nashville Zoo at Grassmere" new specialty license plates, passed to the FW&M committee. **HB 2061** by Rep. Kent passed to C&R as amended. The amended bill would authorize the issuance of emergency license plates to full-time police

officers and emergency services squad plates to EMT's and paramedics. **HB 2914** by Rep. Newton passed to C&R as amended. The amended bill authorizes the commissioner of TDOT to seek criminal background checks for intermediate-level highway response operators and supervisors. **HB 2106** by Rep. Ferguson was rolled one week.



*Members of the Transportation Committee listen to the proceedings. Shown are Representatives Beavers, Rowland and Davis (Washington).*

The **Public Transportation & Highways Subcommittee** met on Tuesday, March 26, 2002 and passed three sign bills. The following sign bills passed to full committee:

1. **HB 3086** by Rep. Clem--scenic highways on state routes 58 and 148 in Hamilton County.
  2. **HB 2193** by Rep. Bunch-- "Captain James S. Varnell, Jr. Bridge" sign.
  3. **HB 2970** by Rep. Tidwell--"Louish B. Thompson Bridge" sign.
- HB 3066** by Rep. Patton was taken off notice and **HB 2029** by Rep. Rowland was rolled for four weeks.

The **Transportation and Safety Planning Subcommittee** met on Wednesday, March 27, 2002 and considered nine bills. **HB 3186** by Rep. Maddox passed to full committee. The bill would require the department to review driver license application and examination provisions due to homeland security issues. **SJR 510** by Rep. Newton passed to full committee. The resolution expresses concern for teenage in-vehicle drinking and drug use and urges state and local governments to use preventive strategies. **HB 2375** by Rep. Hood passed to full committee. The bill would allow antique car owners to display the year of the model of antique car on the license plate. **HB 1247** by Rep. Head passed to full committee as amended. The amended bill creates a special "vehicle preparation tag" for entities that test cars within a twenty-mile radius of a business. The following bills were rolled

one week: (1) HB 1893 by Rep. Head (2) HB 2796 by Rep. Ridgeway (3) HB 3129 by Rep. Ridgeway, and (4) HB 2676 by Rep. Miller. HB 3130 by Rep. Ridgeway was taken off notice.

The **Rural Roads Subcommittee** met on Wednesday, March 27, 2002 and passed a resolution to full committee. **HJR 704** by Rep. Ridgeway expresses appreciation to the Tennessee Congressional Delegation for securing ten million in section 5309 public bus and rail funding. The bill also urges the delegation to secure funding for the 2002-2003 fiscal year.

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*Summaries of Recent  
Budget Hearings  
Are On The Following Pages.*

**Budget Hearings**  
**House Finance, Ways & Means Committee**

**TN Housing Development Agency - TN Regulatory Authority - March 19<sup>th</sup>**

**Dept. of Agriculture • Dept. of Environment & Conservation - March 21<sup>st</sup>**

**TN Wildlife Resources Agency • Dept. of Veterans Affairs - March 21<sup>st</sup>**

**Tennessee Housing Development Agency**

**Tuesday, March 19, 2002**

*Ryan Swindell*

Ms. Janice Myrick, Executive Director of THDA, presented the budget overview for THDA. **THDA's recommended budget** for 2002-03 is **\$263,989,700**, which has **\$279,700 in improvements** for six additional positions that would be **funded with federal funds**. The new positions are required to keep up with the requirements of the federal Section 8 rental assistance program.

THDA's budget is not funded by taxpayer dollars. Federal funds account for over 94% of the department's budget. Other sources include bonds and reserves.

Ms. Myrick stated that THDA issues tax-exempt debt and at any given time they have to legally be able to show that they can pay their debt for the next thirty years. She stated that THDA currently has about \$1.8 billion in outstanding bonds and about \$1.4 billion in mortgages. The bonds and mortgages are not shown in THDA's budget because a trustee outside of the state holds them.

Ms. Myrick went on to say that when other departments are cut it affects the services provided to the department from other state agencies.

When asked if there would be an impact if labor was taxed to build homes, Ms. Myrick stated that since the amount THDA can give for a home is based on sales data collected, it would take about eighteen months to see that cost has gone up. However, it would probably affect the amount and number of mortgages provided to low-income Tennesseans.

## Tennessee Regulatory Authority

Tuesday, March 19, 2002

*Ryan Swindell*

Ms. Sara Kyle, Chairman of Tennessee Regulatory Authority, presented an overview of the proposed budget for Fiscal Year 2002-03 on Tuesday, March 19. The **budget request is a continuation budget of \$7.7 million**. No improvements were requested for the coming fiscal year. It was pointed out that the **TRA is self-funded** from revenues generated by the entities regulated by TRA.

When asked how "a no new revenue budget" would affect TRA, Ms. Kyle stated that there would be no affect because the Agency is self-funded by assessments on entities regulated by the TRA and federal funds. However, if legislation were passed diverting revenue dedicated to TRA, it would jeopardize their ability to regulate the industries required by statute.

Ms. Kyle also mentioned how successful the "do not call" list has been and that there are currently about 688,000 people on the list.

## Department of Agriculture

Thursday, March 21, 2002

*Ryan Swindell*

Commissioner Dan Wheeler presented the Department of Agriculture's budget request for Fiscal Year 2002-03. The Department's **total budget request is \$77.7 million** of which **\$58,969,300 are state dollars**. The state dollars consist of \$56,183,800 in base funds and \$2,785,500 for two improvements: 1) \$2.5 million for the boll weevil eradication program and 2) \$285,500 for soil conservation grants. Soil conservation grants have been a part of the Department's base for several years, however, last year the grant program was moved to non-recurring during the budget process.

### Discussion:

Commissioner Wheeler highlighted some cuts that would have to be made if no revenue could be raised and 10% had to be cut. They are listed below:

- Almost \$3 million for the Agriculture Conservation Fund which funds cost-share programs such as best management practices. Most of these funds are used to match federal dollars.
- Boll weevil eradication is at a critical stage in the long-term plan to eradicate the pest. The elimination of funding would slow the progress that has already been made in the past few years.
- The Agriculture Development Program could possibly be abolished. Through this program the Department has helped the poultry industry grow, and it is continuing to grow.
- A majority of the cuts would have to be made in the Division of Forestry. Forestry is one of the divisions that have not experienced the reductions that other divisions within Agriculture have in recent years.

Commissioner Wheeler pointed out how detrimental it would be to make these cuts. The Commissioner also pointed out that the federal farm bill is about to pass and is expected to have more funding to help states. If the cuts are made the Department will not have the money to draw down available federal funds.

## Department of Environment & Conservation

Thursday, March 21, 2002

*Greg E. Adkins*

Commissioner Milton Hamilton presented the Department's budget for FY 2002-03. The **Department's total budget request** for the 2002-2003 fiscal year is **\$285 million**. Funding sources: State dollars \$136.4 million, federal \$72.1 million and \$76.9 million from fees and miscellaneous sources. The department is broken down into four categories: (1) administration (2) conservation services (3) environment and (4) state parks.

The administration section of the department has a total expenditure of \$12.6 million with no improvements recommended.

The conservation services total expenditure is \$15.18 million with a \$500,000 improvement recommendation for the West Tennessee River Basin Authority. This improvement item was a recurring budget item until 2001 when it became a non-recurring budget item. The West Tennessee River Basin Authority has a responsibility to protect several west Tennessee counties from flooding and property loss.

The environment section of the department has a total expenditure of \$189.5 million with the following improvements (1) \$100,000 for the natural heritage division and \$111,800 improvement for drinking water supply compliance. The improvement for the natural heritage division is for management of approximately 90,000 acres of ecologically significant lands. The Natural Areas program has a base budget of \$62,000 for ground management and the Scenic Rivers program has no operating funds. The improvement for drinking water will increase prevention and abatement of pollution in groundwater and source water utilized by the public water systems.

The total expenditure for state parks division is \$58.5 million with a request of \$6 million in improvements for items such as old vehicles, sewer projects, and other small maintenance projects. As a result of budget reductions in recent years, the maintenance needs of the parks has continued to build. Commissioner Hamilton expressed concern that the Environment Division of the Department may have to fine parks if the sewer improvements are not made.

Currently, with fourteen state parks closed the federal government has \$2.7 million on hold until the parks open back up. Two years ago the Department's Park Division was rated nationally as one of the best-managed systems in the country. According to Commissioner Hamilton, that no longer holds true.

## TWRA - Tennessee Wildlife Resources Agency

Thursday, March 21, 2002

*Greg E. Adkins*

Mr. Allen Gebhardt presented the **TWRA budget** for FY 02-03. The Agency's total budget request is **\$59.5 million**.

The agency is **self-funded** from wildlife and boating fees plus federal revenue. Unexpended revenues in any given year roll over to the next fiscal year; revenues do not revert to the General Fund. The Agency has requested two improvements for the coming fiscal year - \$1.5 million to fund the mandated salary increase for the agency's officers, biologists and other positions mandated by TCA 70-1-309, and \$1.6 million (\$50,700 state funds) for the wildlife management activities on the Tapoco property in Blount County. Alcoa will reimburse the TWRA for half the cost to manage the properties and provide law enforcement on these properties.



Currently, the Agency is fiscally solid based on the current fee structure for boating and wildlife. However, in 2005-06 the agency's long-range plan for boating includes a fee increase of 21%. In 2003-04, the long-range plan for wildlife includes a fee increase of 22%. Wildlife and boating fees have not been increased since the late 1980s.

A "no new revenue" environment will not affect the Agency due to its self-sustainability, but any redirection of TWRA funds to the general fund could cause the agency to lose over \$10 million in federal funding. Any redirection of revenues from TWRA to the General Fund will require legislation.

## Department of Veterans Affairs

Thursday, March 21, 2002

*Cathy Higgins*

Commissioner Wendell Gilbert presented the Department's budget request for Fiscal Year 2002-03. The Department's **total budget request is \$3 million**. Of this amount, \$2.7 million are state funds.

The Department has requested an **improvement totaling \$102,100 (state funds)** for three ground workers - two at the Memphis State Veteran's Cemetery and one at the Nashville Cemetery, a dump truck for the Knoxville Cemetery and equipment replacement funds. The federal Veterans Affairs standard for these cemeteries call for 9 outside workers in Memphis (currently 6) and 8 for Nashville (currently 5). The department for the last three years has requested the dump truck improvement. Cemetery personnel have been forced to misuse the backhoe to haul topsoil, gravel and other supplies that would be hauled in a dump truck. The dump truck will prevent the destruction of gravesites that have already been grassed in, avert a serious accident, and preserve the backhoe for its intended purpose.

Commissioner Gilbert stated that under the "no new revenue" scenario the impact will require the closing of field offices and reducing staff. The Department has no specific programs that can be cut; therefore, the reduction will have to come from personnel. This will have a detrimental affect on a veteran's access to services as well as claims processing.

According to Commissioner Gilbert, employees in the Field and Claims Divisions are accredited by the U.S. Department of Veterans Affairs Legal Counsel to provide power-of-attorney based claims system. Tennessee veterans and their families obtain monetary awards and services from the federal government because of their representation and assistance. During Fiscal Year 2000-01, Tennessee veterans and families were awarded \$174,631,783 federal dollars as a direct result of the Department's work.

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For Additional Information,  
Contact the House Research Division at 741--3025.